

Remarks and Arguments

Amendments to the Claims

Previously pending claims 1-2, 4-6 and 21 have been canceled. Claims 7-8, 10, 13, 18-19, and 23 have been amended to depend from elected independent claim 3. Claims 9 and 15 have been amended to correct minor grammatical errors. The present amendments are made without prejudice and Applicant reserves the right to pursue the subject matter canceled in this response in future prosecution, either in this application or in one or more continuing applications.

PCT Rule 13.1

The Examiner asserts that claims of Restriction Groups I-VI, as identified in the Restriction Requirement mailed June 25, 2008, do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2, the claims lack the same or corresponding special technical feature. In support of this assertion, the Examiner has cited Balasubramian *et al.* (WO 98/48048) for the teaching of a method and system for detecting and mapping various DNA mutations using three potentially FRET-interacting DNA probes.

Applicant respectfully submits, however, that the disclosure of Balasubramian *et al.* differs significantly from both the previously and currently pending claims, and thus is not relevant in determining whether or not the claims have the same or corresponding technical feature. Balasubramian *et al.* effectively utilize two separate nucleic acid FRET reporter systems to determine the level of hybridization of nucleotide probes to a target sequence. Thus, Balasubramian *et al.* employ FRET to measure the hybridization of one or more nucleotides of a probe to its complementary nucleotide, and to detect mismatches. There is no teaching in the disclosure of Balasubramian *et al.* of sequential FRET in which a first signal that activates a second signal, which subsequently activates a third signal, as recited in currently pending claim 3 as well as several of the previously pending claims. Nor is there any teaching of such sequential FRET wherein the first signal can further activate the third signal directly. Moreover, there is no teaching in the disclosure of Balasubramian *et al.* of measuring temporal activation of each of the associated FRET pairs, which permits a practitioner to understand the assembly of complexes of

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biological molecules. Thus, Applicant submits that the disclosure of Balasubramian *et al.* bears little relevance to either the previously or currently pending claims.

If the Examiner believes a phone call would expedite prosecution of this application, the undersigned invites the Examiner to call him at the number below.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: August 25, 2008

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